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Dated: July 12, 2004

Signature:

*Marian L. Christopher*  
(Marian L. Christopher)

1651  
161  
Docket No.: 527832000300  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Robert W. BROCIA

Application No.: 09/005,711

Filed: January 12, 1998

For: METHOD TO DETERMINE THE ACTIVITY  
OF AN ENZYME

Art Unit: 1651

Examiner: Ralph J. Gitomer

JUL 21 2004  
TECH CENTER 16002300

REQUEST TO RESCIND ABANDONMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Abandonment was mailed 30 June 2004 in regard to the above-referenced case. It is believed that this notice is in error and, as kindly agreed by Examiner Gitomer, should be withdrawn.

A Notice granting a Petition to Revive was mailed 27 April 2004, setting a two-month period for filing the Appeal Brief in triplicate along with the fee required by law, starting with the mailing date (*i.e.*, 27 April 2004). It was explicitly stated that extensions of time under 37 C.F.R. § 1.136(a) are available. Accordingly, applicant is entitled to five one-month extensions, with appropriate payment of fees and thus has until 27 November 2004 to file the Appeal Brief. This period has not expired, and thus, the Notice of Abandonment is in error.

Applicant appreciates the recognition by Examination Gitomer in a telephone conference with the undersigned that the Notice of Abandonment was in error. Accordingly, applicant respectfully requests that this notice be withdrawn.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 527832000300.

Respectfully submitted,

Dated: July 12, 2004

By: Kate H. Murashige  
Kate H. Murashige  
Registration No. 29,959

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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/005,711	
	Filing Date	January 12, 1998	
	First Named Inventor	Robert W. BROCIA	
	Art Unit	1651	
	Examiner Name	R. Gitomer	
Total Number of Pages in This Submission	3	Attorney Docket Number	527832000300

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Request to Rescind Abandonment (1 page); and Return Receipt Postcard
<b>Remarks</b>  <b>Customer No. 25225</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER LLP Kate H. Murashige - 29,959
Signature	<i>Kate H. Murashige</i>
Date	July 12, 2004

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